

EXHIBIT 5

IAS Part 37 of the Supreme Court
of the State of New York, held in
and for the County of New York, at
60 Centre Street, New York,
on the 30th day of October, 2013.

Present: Hon. Arthur F. Engoron, Justice.

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In the Matter of the Application of :

THE OFFICE OF THE COMMISSIONER OF
BASEBALL, :

Petitioner, :

against :

MICHAEL S. SITRICK, :

Respondent. :

For an Order Compelling Compliance with a
Subpoena. :

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Index No. 653774/2013

**ORDER TO SHOW CAUSE TO
COMPEL COMPLIANCE
WITH SUBPOENA**

Upon the annexed Verified Petition of The Office of the Commissioner of Baseball, the
Affirmation of Howard L. Ganz dated October 29, 2013 and the exhibits annexed thereto, it is
hereby:

ORDERED that respondent Michael S. Sitrick ("Respondent") or his attorney show cause
at an Individual Assignment Part of the Supreme Court of the State of New York, County of
New York, at the Courthouse, ³⁷ ~~60~~ Centre Street, ^{l.m. 328} New York, New York, on the 13th day of
November, 2013, at 9:30 o'clock A.M. ~~PM~~, or as soon thereafter as counsel may be heard, why
an order should not be made pursuant to N.Y. C.P.L.R. 2308(b) to compel Respondent to comply
with the trial subpoena issued by Fredric R. Horowitz, Chairman of the Arbitration Panel, and
served on Respondent on the 19th day of September, 2013 (the "Subpoena"), requiring

Respondent to appear before the Arbitration Panel at The Office of the Commissioner of Baseball, 245 Park Avenue, New York, New York, at 9:00 a.m. on September 30, 2013, and at any adjourned or recessed date of that hearing, to testify and produce the documents requested in the Subpoena, on the ground that Respondent has not complied with the subpoena, and for such other and further relief as the court may deem proper.

ORDERED that Petitioner shall serve a copy of this order together with the papers on which it was granted, upon the Respondent at his place of business, Sitrick & Company, 7 Times Square, Suite 2600, New York, New York 10036 on or before the 1st day of November, 2013. *by pursuant to CPLR 308*

~~ORDERED that Respondent shall serve opposing papers, if any, by hand delivery or overnight mail, on Petitioner's counsel, Howard L. Ganz, Esq., Proskauer Rose LLP, 11 Times Square, New York, New York, 10036, on or before November 1, 2013.~~

~~ORDERED that Respondent pay \$50 (fifty dollars) as costs of this motion pursuant to N.Y. C.P.L.R. 2308(b) within days of service of a copy of this order upon him.~~

Enter:



J.S.C.

HON. ARTHUR F. ENGORON